

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL MISC. APPLICATION No. 3158 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE R.P.DHOLAKIA

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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JITENDRA AMARSHI BAROT

Versus

STATE OF GUJARAT

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Appearance:

MR MA KHARADI for Petitioner

MR BY MANKAD APP for Respondent No. 1

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CORAM : MR.JUSTICE R.P.DHOLAKIA

Date of decision: 28/08/98

ORAL JUDGEMENT

Rule. Mr. B.Y Mankad, learend APP for the State waives service of Rule.

2. Heard learned advocate for the petitioner and learned APP for the State. Perused the case papers provided by learned APP Shri Mankad.

3. In this case, parties do not press for reasoned order. However, it has not been disputed by the learned APP that after the incident had taken place, deceased was admitted in the hospital and upon his getting discharged from hospital he was arrested by the police in connection with a cross complaint filed by the petitioner and others, and thereafter, victim died at his residence. It has also not been disputed by the learned APP that after the performance of post-mortem, police had requested for amendment of the complaint thereby including Section 302 IPC. Accordingly, it is a fit case wherein discretion is required to be exercised. Looking to the facts and circumstances of the case, petitioner is required to be released on bail. Accordingly, petition is allowed. Petitioner is ordered to be released on bail in connection with C.R No. II-47/98 registered at Lunawada Police Station for the offences charged against him in this petition, on his executing a bond of Rs. 10,000/= {Rupees Ten Thousand only} with one surety of the like amount to the satisfaction of the lower Court and subject to the condition that he shall;

- (a) not take undue advantage of his liberty or abuse his liberty;
- (b) not act in a manner injurious to the interest of the prosecution;
- (c) maintain law and order;
- (d) furnish temporary and permanent address of his residence at the time of execution of the bond and shall not change the residence without prior permission of this Court;  
and;
- (e) not to enter Lunawada town for a period of three months from today without the prior permission of the Sessions Court, Panchmahals.

3. If breach of any of the above conditions is committed, the Sessions Judge at Godhara (Panchmahal) will be free to issue warrant or take appropriate action in the matter.

4. Bail before the lower Court having jurisdiction to try the case.

5. Rule is made absolute. Direct service permitted.

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Prakash\*